



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

fw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,783	03/23/2004	Naoki Okazaki	FUJA 21.083	2378

26304 7590 03/23/2007
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
----------	--------------

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/806,783

Applicant(s)

OKAZAKI ET AL.

Examiner

Sonny TRINH

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10-14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-2, 7-8** are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (hereinafter "Tanaka"; U.S. Patent Number 6,219,532).

Regarding **claim 1**, with reference to figure 1 (column 8 line 15 to column 9 line 49), Tanaka discloses an antenna circuit in which a plurality of matching circuits (figure 1, matching circuits 5a, 5b) are switched to perform impedance matching of an antenna (abstract), wherein each of said matching circuits has an optimal impedance corresponding to a plurality of external environmental conditions affecting said antenna and the switching of said matching circuits is controlled according to the external environmental conditions of said antenna (such as human body contact, column 2 line 3 to column 3 line 5, please see also 2nd through 6th embodiment in columns 3-7 for further details).

Regarding **claims 2, 8**, Tanaka further discloses that the switching of said matching circuits is controlled according to the detection of the external environmental conditions affecting the antenna (such as human body contact, column 2 line 3 to column 3 line 5).

Regarding **claim 7**, this claim further specifies the wireless communication device as opposed to the antenna circuit of claim and is rejected for the same reasons. Note that Takana's invention is for a movable radio terminal device which is no more than a wireless communication device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 3 and 9-10, 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka in view of Nevermann (U.S. Patent Number 7,053,629).

Regarding **claims 3 and 9**, Tanaka discloses the invention but does not explicitly disclose that the plurality of external environmental conditions include: a free space mode; a conductor or dielectric proximity mode; and a conductor or dielectric separation mode.

In an analogous art, Nevermann teaches a system and method for detecting the proximity of a body. Nevermann further teaches the dielectric proximity mode (column 4 line 39 to column 5 line 44, figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the use of the dielectric mode, as taught by

Nevermann. The motivation for doing so would be to take advantage of the capacitive and inductive coupling generated by a human body.

Regarding **claims 10, 15**, it is obvious that when a call is detected, the communication device (transmit/receive unit) is switchably connected to the antenna circuit so as to perform mobile wireless communication,.

Allowable Subject Matter

3. **Claims 4-6, 11-14, 16** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claims 4 and 11**, the applied references fail to disclose or render obvious the claimed limitations specifically wherein the antenna circuit having a plurality of antennas and, corresponding to each of said plurality of antennas, comprising a plurality of groups, each of which includes said plurality of matching circuits, wherein said plurality of groups of the matching circuits are selected according to the use of the pertinent antenna.

Regarding **claims 12, 16**, the applied references fail to disclose or render obvious the claimed limitations specifically wherein the antenna circuit according to claim 2, having a plurality of antennas and, corresponding to each of said plurality of antennas, comprising a plurality of groups, each of which includes said plurality of

Art Unit: 2618

matching circuits, wherein said plurality of groups of the matching circuits are selected according to the use of the pertinent antenna.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward URBAN can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SONNY TRINH
PRIMARY EXAMINER

3-14-07